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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 FARAMARZ RASSOULI, ZAHRA)
12 RASSOULI, AND POUYA RASSOULI,)

13 Plaintiffs,)

14 v.)

15 MICHAEL CHERTOFF, Secretary of U.S.)
Department of Homeland Security;)
16 EMILIO GONZALEZ, Director; PAUL)
PIERRE, District Director; and MICHAEL)
17 B. MUKASEY, Attorney General,)

18 Defendants.)
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Case No. 07cv2411-JAH (JMA)

ANSWER TO COMPLAINT

20 COME NOW the Defendants, by and through their counsel, Karen P. Hewitt, United States
21 Attorney, and Megan Callan, Assistant United States Attorney, and in answer to the Plaintiffs' Complaint
22 for Relief in the Nature of Mandamus ("Complaint"), set forth the following:

23 1. Answering Paragraph 1 of the Complaint, with respect to the first sentence, Defendants admit
24 the allegations therein to the extent that Plaintiffs have represented to Defendants and the Court that they
25 currently reside within the jurisdiction of this Court. With respect to the second sentence, Defendants
26 admit the allegations therein to the extent that Plaintiffs have represented to Defendants and the Court
27 that they are married and that Pouya is their child. With respect to the third sentence, Defendants state
28 that the allegations contained therein are legal conclusions solely within the purview of the Court and

1 for its determination, and no answer is therefore required. To the extent an answer is required, the
2 allegations are denied.

3 2. Answering Paragraph 2 of the Complaint, with respect to the first through fourth sentences,
4 Defendants admit the allegations therein. With respect to the fifth sentence, Defendants state that the
5 allegations contained therein are legal conclusions solely within the purview of the Court and for its
6 determination, and no answer is therefore required. To the extent an answer is required, the allegations
7 are denied. With respect to the sixth sentence, Defendants state that each Defendant in his official
8 capacity oversees, in part, the processing or the adjudication of applications for permanent residence
9 within the United States of America. To the extent any further answer is required, the allegations are
10 denied.

11 3. Answering Paragraph 3 of the Complaint, Defendants state that the allegations contained
12 therein are legal conclusions solely within the purview of the Court and for its determination, and no
13 answer is therefore required. To the extent an answer is required, the allegations are denied.

14 4. Answering Paragraph 4 of the Complaint, Defendants admit the allegations therein.

15 5. Answering Paragraph 5 of the Complaint, Defendants are informed and upon that information
16 believe that the allegations contained therein are true. On this basis, Defendants admit the allegations
17 therein. To the extent any further answer is required, the allegations are denied.

18 6. Answering Paragraph 6 of the Complaint, Defendants deny the allegations therein.

19 7. Answering Paragraph 7 of the Complaint, Defendants deny the allegations therein.

20 8. Answering Paragraph 8 of the Complaint, Defendants state that the allegations contained
21 therein are legal conclusions solely within the purview of the Court and for its determination, and no
22 answer is therefore required. To the extent an answer is required, the allegations are denied.

23 9. Answering Paragraph 9 of the Complaint, Defendants deny the allegations therein.

24 10. Answering Paragraph 10 of the Complaint, Defendants state that the allegations contained
25 therein are legal conclusions solely within the purview of the Court and for its determination, and no
26 answer is therefore required. To the extent an answer is required, the allegations are denied.

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1 AFFIRMATIVE OR OTHER DEFENSES

2 All allegations not here before specifically admitted, denied, or modified, are hereby denied. For
3 further and separate answer, Defendants allege as follows:

4 FIRST DEFENSE

5 The Court lacks jurisdiction over the subject matter of this action.

6 SECOND DEFENSE

7 The Complaint fails to state a claim against the Defendants upon which relief can be granted.

8 THIRD DEFENSE

9 At all times alleged in the complaint, Defendants were acting with good faith, with justification,
10 and pursuant to authority.

11 FOURTH DEFENSE

12 Defendants are processing the applications referred to in the Complaint to the extent possible at
13 this time. Accordingly, no relief as prayed for is warranted.

14 WHEREFORE, Defendants pray that Plaintiffs take nothing by reason of their suit herein, that
15 judgment be rendered in favor of Defendants, for costs of suit herein incurred, and for such other and
16 further relief as this court may deem proper.

17 DATED: May 19, 2008

18 Respectfully submitted,
19 KAREN P. HEWITT
United States Attorney

20 s/ Megan Callan
MEGAN CALLAN
21 Assistant U.S. Attorney
Attorneys for Defendants
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10 SOUTHERN DISTRICT OF CALIFORNIA

11 FARAMARZ RASSOULI, ZAHRA) Case No. 07cv2411-JAH (JMA)
12 RASSOULI, AND POUYA RASSOULI,)
13 Plaintiffs,) CERTIFICATE OF SERVICE
14 v.)
15 MICHAEL CHERTOFF, Secretary of U.S.)
16 Department of Homeland Security; et al.,)
17 Defendants.)

18 IT IS HEREBY CERTIFIED THAT:

19 I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My
20 business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

21 I am not a party to the above-entitled action. I have caused to be served: ANSWER TO
22 COMPLAINT on the following party by electronically filing the foregoing with the Clerk of the District
23 Court using its ECF System, which electronically provides notice.

24 Robert A. Mautino
25 Attorney for Plaintiffs
26 bob@mautino.org

27 I declare under penalty of perjury that the foregoing is true and correct.

28 Executed on May 19, 2008.

s/ Megan Callan
Megan Callan